

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims

1-29. (canceled)

30. (Currently Amended) A method for transmitting data packets from a mobile terminal to a base station using a hybrid automatic repeat request protocol and soft combining of received data, the method comprising:

transmitting a data packet from the mobile terminal to the base station via a first data channel,

receiving a feedback message from the base station at the mobile terminal, wherein the feedback message indicates whether the data packet has been successfully received by the base station, and

in case the feedback message indicates that the data packet has not been received successfully, transmitting ~~a the~~ retransmission data packet from the mobile terminal to the base station via a second data channel, wherein a transmission time interval of the first data channel is smaller than a transmission time interval of the second data channel.

31. (Cancelled)

32. (Currently Amended) The method according to claim 30, further comprising:

determining ~~a the~~ transmission power for a retransmission of the data packet, in case the feedback message indicates that the data packet has not been received successfully, ~~and~~
wherein the retransmission data packet is transmitted at ~~[[a]] the~~ transmission power which is lower than ~~a the~~ transmission power of the transmitted data packet.

33. (Currently Amended) The method according to claim 30, further comprising subsequently reducing ~~a the~~ transmission power for subsequent retransmission data packets that are sent for the unsuccessfully received data packet.

34. (Previously Presented) The method according to claim 30, further comprising soft combining each retransmission data packet with the data packet at the base station.

35. (Currently Amended) The method according to claim 34, further comprising selecting in the mobile terminal ~~a the~~ transmission power for the transmission of the retransmission data packet based on ~~or considering~~ at least one of a measured channel quality, power control commands received from the base station, and an additional diversity and processing gain obtained by using ~~[[a]] the~~ longer transmission time interval on the second data channel.

36. (Previously Presented) The method according to claim 30, wherein the retransmission data packet and the transmitted data packet comprise the same payload.

37. (Previously Presented) The method according to claim 30, wherein the

retransmission data packet is transmitted by the mobile terminal after a predetermined time span upon having received said feedback message.

38. (Currently Amended) The method according to claim 30, further comprising:
in case the feedback message indicates that the data packet has not been received successfully, receiving a control message from the base station for the unsuccessfully received data packet, wherein the control message restricts an ~~the~~ amount of information in ~~[[a]]~~ the retransmission data packet to be sent ~~for the data packet~~, and
wherein the retransmission data packet is transmitted from the mobile terminal to the base station and comprises ~~comprising~~ an amount of information indicated in said control message.

39. (Currently Amended) The method according to claim 38, wherein the control message indicates a ~~the~~ maximum and minimum amount of information or the maximum amount of information sent in the retransmission data packet. ~~The, wherein the~~ information sent in the retransmission data packet comprises ~~may comprise~~ systematic and parity bits.

40. (Currently Amended) The method according to claim 38, wherein the transmission of the indicated amount of information requires a reduced transmission power compared to a ~~the~~ transmission power used for the data packet.

41. (Previously Presented) The method according to claim 38, wherein the control message is transmitted in parallel or delayed to the feedback message from the base station to the

mobile terminal.

42. (Previously Presented) The method according to claim 38, wherein the feedback message is transmitted via an acknowledgment channel and the control message is transmitted via a scheduling related control channel.

43. (Previously Presented) The method according to claim 38, wherein the retransmission data packet is transmitted by the mobile terminal after a predetermined time span upon having received said feedback message.

44. (Currently Amended) The method according to claim 43, wherein the control message indicates not to transmit the retransmission data packet after a predetermined time span upon having received said feedback message.

45. (Previously Presented) The method according to claim 38, wherein the control message is a TFC (Transmission Format Combination) control message.

46. (Previously Presented) The method according to claim 38, further comprising soft combining the retransmission data packet and the transmitted data packet at the base station to obtain a combined data packet.

47. (Currently Amended) The method according to claim ~~46~~ 36, further comprising decoding the combined data packet at the base station.

48. (Currently Amended) The method according to claim 47, wherein the transmitted control message indicates the ~~retransmission data packet's~~ amount of information to be included in the retransmission data packet which is necessary for successfully decoding ~~of~~ the combined data packet.

49. (Currently Amended) The method according to claims 30, further comprising determining the amount of information for the retransmission data packet at the base station based on a ~~the~~ reception quality of the data packet or a ~~the~~ combined data packet.

50. (Previously Presented) The method according to claim 30, wherein the data packet and the retransmission data packet are transmitted via dedicated transport channels.

51. (Currently Amended) A mobile terminal to transmit ~~transmitting~~ data packets to a base station using a hybrid automatic repeat request protocol and soft combining of received data, the mobile terminal comprising:

a transmitting unit configured ~~operable~~ to transmit a data packet to the base station via a first data channel, and

a receiving unit configured ~~operable~~ to receive a feedback message from the base station, wherein the feedback message indicates whether the data packet has been successfully received by the base station, and

wherein the transmitting unit is configured ~~operable~~ to transmit the retransmission data packet to the base station via a second data channel in case the feedback message indicates that

the data packet has not been received successfully, and a transmission time interval of the first data channel is smaller than a transmission time interval of the second data channel.

52. (Currently Amended) A base station to receive ~~receiving~~ data packets from a mobile terminal using a hybrid automatic repeat request protocol and soft combining of received data, the base station comprising:

a receiving unit configured ~~operable~~ to receive a data packet from the mobile terminal via a first data channel, and

a transmitting unit configured ~~operable~~ to transmit a feedback message to the mobile terminal, wherein the feedback message indicates whether the data packet has been successfully received by the base station, and

wherein the receiving unit is configured ~~operable~~ to receive a retransmission data packet from the mobile terminal via a second data channel in case the feedback message indicates that the data packet has not been received successfully, and a transmission time interval of the first data channel is smaller than the transmission time interval of the second data channel.